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EXAMINER

BUTLER, MICHAEL E

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/665,132
Filing Date: September 16, 2003
Appellant(s): Reasoner

Philip S. Lyren
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/12/2009 appealing from the Office action mailed 5/5/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct at the time the brief was filed.

Withdrawn Rejections

The double patenting rejections are withdrawn as a result of paralegal acceptance on 3/26/09 of the terminal disclaimers against Reasoner and Chaloner.

The 103 rejections evidenced by Goodman et al. in view of Reasoner and Goodman et al. in view of Chaloner are withdrawn per 35 U.S.C. 103(c) per applicant's evidentiary statement.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,674,711 Shiba 06-2004 (filed 02-2000)

US 6,782,448 Goodman et al. 08-2004 (filed 04-2002)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 7, 9, and 11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiba 6674711 which discloses all the claimed elements including:

(Re: cl 1) An inventory control device comprising: a latch (35 of 17) positioned in relation to an access device of a data storage system so that opening the access device causes the latch to move from a first position to a second position (c6 L 1-32); a sensor (49 including subcomponent 50) to sense a latch state indicating the position of the latch (c9 L 7-34); and control logic (55) communicatively coupled to the sensor, to cause the data storage system to inventory one or more storage locations associated with the access device if the sensor indicates the latch is in the second position and to cause the data storage system to not inventory the one or more storage locations if the sensor indicates the latch is in the first position (c 13 L 7-19, reads contingent upon latch in locked position, else doesn't; c11 L 53-63) actuator (38) operatively associated with latch and control logic, actuator operable to change latch from first position to second position (c6 L 1-20; c10 L 15-18); (Re: cl 7) method comprising: obtaining a position of a latch, the latch being moveable between a first position and a second position, the first position of the latch indicating if an access device of a data storage system was not opened while the data storage system was shut down, the second position of the latch indicating if the access device of the data storage system was opened while the data storage system was shut down(c9 L 7-34);; causing the data storage system to perform an inventory on one or more storage locations associated with the access device if the latch is in the second position(c6 L 1-32), causing the data storage system to not perform the inventory on the one or more storage locations if the latch is in the second position (c 13 L 7-19, reads contingent upon latch in locked position, else doesn't; c11 L 53-63); and operating an actuator to cause the actuator to move the latch from the second position to the first position (c6 L 1-20; c10 L 15-18, 55 controller controlling 38 which in turn positions changer which releases latch premised upon position). (Re: cl 9) wherein obtaining the position of the latch comprises obtaining a latch state indicating the position of the latch by means of a sensor (c11 L 8-18);

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(Re: cl 11) An inventory control device comprising: latch means positioned in relation to an access device means (35 of 17) of a data storage system means so that opening the access device causes the latch means to move from a first position to a second position (c6 L 1-32) sensing means (49 including subcomponent 50) to sense a latch state indicating the position of the latch (c9 L 7-34) and logic means (55) communicatively coupled to sensing means, to cause the data storage system means (59) to inventory one or more storage locations associated with the access device means if the latch state indicates the latch means is in the second position (c13 L 7-19) and the access device is closed, and causing the data storage system inventory one or more storage areas and sensing if latch is in first position (c13 L 7-19); further comprising actuator means to move the latch means from the second position to the first position, the logic means to cause the actuator means to move the latch from the second position to the first position (c6 L 1-20; c10 L 15-18, 55 controller controlling 38 which in turn positions changer which releases latch premised upon position).

Claim(s) 1, 7, 9, and 11 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Goodman et al. 6782448 in view of Shiba 6674711 wherein Goodman et al. discloses:

(Re: cl 1) An inventory control device comprising	C11 L 65-c12 L 13	Data storage library
: a latch positioned in relation to an access device of a data storage system so that opening the access device causes the latch to move from a first position to a second position,	c12 L 33-35	SR type flip-flop latch logic, move from first state to second
a sensor to sense a latch state indicating the position of the latch	C12 L 33-35	Door monitoring Switch is sensor
and control logic communicatively coupled to the sensor, to cause the data storage system to inventory one or more storage locations associated with the access device if the sensor indicates the latch is in the second position and to cause the data storage system to not inventory the one or more storage locations if the sensor indicates the latch is in the first position	C12 L 33-35;	Re-inventorying as a movement of the door as a result of the sensor switch;

(Re: cl 7)obtaining a position of a latch, the latch being in a first position and a second position, the first position of an access device of a data storage system was not open	C12 L 33-35	SR type flip-flop latch logic, move
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storage system was shut down, the second position of the access device of the data storage system was open system was shut down;		from first state to second, door monitory switch combines moving sensor and SR latch
causing the data storage system to perform an inventory on one or more storage locations associated with the access device if the latch is in the second position, causing the data storage system to not perform the inventory on the one or more storage locations if the latch is in the second position; and operating an actuator to cause the actuator to move the latch from the second position to the first position.	C12 L 33-35	Inventories library if switch is moved to door open position, else the triggering event does not occur
(Re: cl 9) wherein obtaining the position of the latch comprises obtaining a latch state indicating the position of the latch by means of a sensor	(c12 L 33-35)	Switch position determines state

(Re: cl 11) An inventory control device comprising:	C11 L 65-c12 L 13	Data storage library
latch means positioned in relation to an access device means of a data storage system means so that opening the access device causes the latch means to move from a first position to a second position;	C12 L 33-35	SR type flip-flop latch logic
sensing means to sense a latch state indicating the position of the latch	C12 L 33-35	Door monitoring Switch is sensor
and logic means communicatively coupled to sensing means, to cause the data storage system means to inventory one or more storage locations associated with the access device means if the latch state indicates the latch means is in the second position and the access device is closed, and causing the data storage system inventory one or more storage areas and sensing if latch is in first position further comprising actuator means to move the latch means from the second position to the first position, the logic means to cause the actuator means to move the latch from the second position to the first position.	C12 L 33-35 With (C11 L 65- C12 L3)	Re-inventorying as a movement of the door as a result of the sensor switch;

all the claimed elements previously discussed and Shiba discloses any elements not explicitly taught by Goodman et al. including:

actuator operatively associated with latch and control logic, actuator operable to change latch from first position to second position (c6 L 1-20; c10 L 15-18, 55 controller controlling 38 which in turn positions changer which releases latch premised upon position).

It would have been obvious for Goodman et al. control the movement of an actuator change the latch from a first position to a second position to limit access to media stored in the library to those instances when the controller has knowledge of any change and affirmatively

control the access and to slot and detect the loading media of the as taught by Shiba and come up with the instant invention.

(10) Response to Argument

The applicant's arguments have been fully considered regarding the prior art but they are unpersuasive in overcoming the rejections evidenced by Shiba and Goodman et al. in view of Shiba.

Shiba discloses inventorying of a library apparatus as a result of sensed movement of a latch and a control logic affecting the latch.

In Shiba the device performs a read as a result of the latch position. Reading and building the table is a taking of the inventory within the broad scope of inventorying- the contents become known. Shiba performs its inventory contingent upon the latch being in one position. If the latch is in the first position, the triggering event is not present and it does not perform its inventorying if the switch is not in that first position. The controller controls the motor which in turn positions changer which releases latch premised upon position.

Goodman et al. discloses inventorying of a library apparatus as a result of sensed movement of a latching device and inventory control logic affecting the latching device.

Goodman uses a sensor to sense position of a door and latches the data between states as a result of such movement. A re-inventorying takes place as a result of such sensed movement of the door monitoring switch which further has a flip-flop

latch logic. The secondary reference Shiba has the controller controlling the motor which in turn positions changer which releases latch premised upon position.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Summary

As applicant's claim language reads on the Shiba disclosure and the combined teachings of Goodman et al. and Shiba, the applicant has failed to distinguish his claims over the prior art.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/M. E. B./

Examiner, Art Unit 3653

Michael E. Butler, Patent Examiner

/Patrick H. Mackey/

Supervisory Patent Examiner, Art Unit 3653

Conferees:

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Art Unit: 3653

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TQAS TC 3600